United Nations S/AC.50/2008/52

Security Council

Distr.: General
16 June 2008

Original: English

Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 12 June 2008 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), and has the honour to submit the report of Romania to the Committee on the measures taken with a view to implementing respective provisions of Security Council resolution 1803 (2008) (see annex).

Annex to the note verbale dated 12 June 2008 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

Report on the steps taken by Romania to implement United Nations Security Council resolution 1803 (2008)

In paragraph 13 of Security Council resolution 1803 (2008), adopted on 3 March 2008, the Security Council "calls upon all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 5, 7, 8, 9, 10 and 11" of the resolution.

As a European Union (EU) member State, Romania implements Security Council resolutions both through national measures and through Community legislation. At present, Romania is working with its EU partners to establish a robust EU-level implementation of resolution 1803 (2008), in addition to Commission Regulation 219/2008 of 11 March 2008.

National measures

1. General remarks. National monitoring mechanism

Resolution 1803 2008) was published in the Official Journal of Romania (No. 285 of 11 April 2008, Part I), by order of the Minister of Foreign Affairs. The Ministry of Foreign Affairs instructed, according to its competence under Law 206/2005 on the implementation of certain international sanctions, all the competent Romanian authorities with attributions in the field on the adoption of the resolution with a view to adopting appropriate implementation measures that fall within their responsibilities.

2. Specific measures

1. Travel restrictions — Paragraphs 3 and 5

(a) Romania applies a full travel ban on the individuals designated in the annex to resolution 1737 (2006) and annex I to resolution 1747 (2007), as required by EU Common Position 2007/140/CFSP, amended by EU Common Position 2007/246/CFSP. Romania is therefore already applying the full travel ban on the individuals listed in annex II to resolution 1803 (2008), since the entry into force of CP 2007/140/CFSP and CP 2007/246/CFSP, respectively.

(b) According to article 4 (1) (b) of the EU Common Position 2007/140/CFSP, the European Union has decided, as additional autonomous measures to extend the travel ban to other persons not designated in resolutions 1737 (2006), 1747 (2007) and listed in annex II of CP 2007/140/CFSP, as amended by CP 2007/246/CFSP.

Nine of these persons are designated also under paragraph 3 of resolution 1803 (2008) (annex I, positions 1, 2, 4, 5, 7, 8, 9, 11, 12 of the resolution), as subject to the obligation of States to exercise vigilance and restraint regarding their entry into or by transit through their territories.

Consequently, *de lege lata*, Romania exercises vigilance and restraint regarding the entry or transit through its territory of only four individuals designated in annex I to resolution 1803 (2008) (positions 3, 6, 10 and 13 of annex I) and a full travel ban on the other listed persons in annex I to the resolution.

(c) The Romanian Ministry of Interior and Administrative Reform has instituted an alert regarding the entry or transit through the country for listed individuals and to exercise vigilance and restraint in specified cases, respectively. The Romanian Office for Immigration included listed individuals in the computerized management system for foreigners. The Romanian Border Police has instituted border alerts against designated persons. The Romanian Secret Service has also instituted an alert regarding travel restrictions.

2. Freezing of assets — Paragraph 7

(a) Freezing of funds and economic resources belonging to individuals and entities covered by the criteria set out in resolution 1803 (2008) takes place on the basis of EU Commission Regulation No. 219/2008, amending Council Regulation No. 423/2007 concerning restrictive measures against Iran, directly applicable in Romania.

(b) To implement these restrictive measures, the National Bank of Romania has duly informed the financial institutions of their obligations according to the provisions of resolution 1803 (2008) and Commission Regulation 219/2008. The Romanian National Securities Commission (CNVM), the autonomous administrative authority responsible for the regulation and survey of financial markets, publicized relevant information on financial sanctions on their website through an alert system. CNVM undertook to prevent the issuance of any authorization to the entities under its surveillance, which may be contrary to resolution 1803 (2008), by instituting an obligation for its subjects to notify CNVM on any possible suspect transactions. Therefore, financial institutions will be able to freeze relevant accounts of listed persons and entities to ensure compliance with the obligations set out in resolutions 1737 (2006), 1747 (2007) and 1803 (2008) and EU legislation.

3. Embargo on items, materials, equipment, goods and technology which could contribute to the Iranian nuclear and missile programmes — Paragraph 8

(a) Romanian authorities have been conducting activities aimed at preventing the direct or indirect supply, sale or transfer to, or for use in or benefit of, Iran of all items, materials, equipment, goods and technology which could contribute to the Iranian nuclear and missile programmes, as stipulated in resolution 1803 (2008) and relevant EU legislation. The Romanian authorities involved in implementing this restriction are the National Agency for Export Controls (ANCEX), as the coordinating authority for the enforcement of Government policy on export control of military and dual-use goods and technologies, the Ministry of Interior and Administrative Reform, the National Commission for the Control of Nuclear Activities (CNCAN) and the Customs Authority.

(b) The National Commission for the Control of Nuclear Activities (CNCAN) is the national nuclear regulatory authority and the focal point for safeguards, physical protection of nuclear and radiological materials and installations, prevention and combating the illicit trafficking of nuclear and

radioactive materials and radiological emergencies. Through specific regulations issued by CNCAN, the import/export of nuclear materials of nuclear interest and of other equipment pertinent to the proliferation of nuclear weapons is strictly controlled and carried out with countries that have ratified the Treaty on the Non-proliferation of Nuclear Weapons, the IAEA Safeguards Agreement and its Additional Protocol. Also, all requests for dual-use products, as controlled by the NSG group, need an authorization from CNCAN, prior to obtaining the export licence from ANCEX.

(c) As part of its awareness programme, with respect to the legal provisions (United Nations resolutions establishing sanctions against Iran, CE Regulation 423/2007 and Commission Regulation 116/2008 on restrictive measures against Iran), ANCEX organized several workshops and seminars directed to specific Romanian exporters (machine-tool producers, nuclear industry and related activities, chemicals), providing an informal expert-to-expert environment, in order to encourage new developments and approaches regarding the assurances for safe transfers, and to provide feedback and new entries to the EU export control lists. Similar discussions were conducted with the academic community in order to keep control of transfers of either technology or know-how by intangible means (ITT). During the workshops and seminars, the representatives of industry and government shared their expertise and learned from each other in order to improve export control practices and procedures, aiming to make legitimate transactions faster, more transparent, efficient and secure.

Equally, Iran was included as a sensitive destination on the agenda of the enforcement training programmes organized by ANCEX, whereby customs and Border Police officers were familiarized with the procedure for technical expertise for exported goods provided by ANCEX upon request of exporters in order to secure customs clearance. Concretely, the exporter has to fill in a consultancy form that is processed by ANCEX, based on the technical data provided. The applicant will receive via fax the verdict of the technical assessment.

Furthermore, ANCEX has carried out custom controls monitoring the enforcement of resolution 1803 (2008). Monitoring has included both listed and non-listed dual-use items subject to the "catch-all" procedure. With respect of the latter, ANCEX has initiated discussion to create an ad hoc working group whose task would be the assessment of the risks associated with the export of non-listed dual-use items to countries subject to international sanctions.

(d) The National Customs Authority has also instituted an alert as regards the implementation of sanctions. Equally, the Romanian Secret Service is alert to preventing/countering any intention or action to break the embargo on dual-use items.

4. Vigilance in entering into new commitments for public provided financial support for trade with Iran — Paragraph 9

(a) As of 23 April 2007, Romania has endeavoured not to enter into new commitments for grants, financial assistance and concessional loans to the Government of Iran, including through its participation in international financial institutions, except for humanitarian and developmental purposes, according to article 1 (2) of the EU Common Position 2007/246/CFSP of 23 April 2007.

(b) The Ministry of Economy and Finance (MEF) is the Romanian enforcement authority for the sanctions referred to in paragraph 9 of the resolution. MEF coordinates the Interministerial Committee for Financing, Guarantee and Insurance, which analyses and approves the financing, guarantee and insurance operations undertaken by EximBank Romania[1] on behalf of the State.

5. Vigilance over the activities of financial institutions with all banks domiciled in Iran, in particular with Bank Melli and Bank Saderat — Paragraph 10

The National Bank of Romania duly informed the financial institutions of their obligations, according to the provisions of paragraph 10 of the resolution.

6. Inspection of cargoes of aircraft and vessels, operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, in accordance with national and international law — Paragraph 11

The Ministry of Transportation informed the competent authorities under its supervision about the new sanctions adopted under resolution 1803 (2008), in order to take the necessary measures to prevent their breach by transport operators.

[1] EximBank Romania addresses exporters, SMEs and companies running projects in priority fields for Romania's economy by means of financing and providing guarantees and insurances.